



# PUBLIC NOTICE

Federal Communications Commission  
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**DA 02-769**  
**Released: April 5, 2002**

**WIRELESS TELECOMMUNICATIONS BUREAU  
SEEKS COMMENT ON REQUEST FOR WAIVER  
BY THE STATE OF FLORIDA TO ALLOW  
USE OF PUBLIC SAFETY OFFSET CHANNELS**

**Comment Date: April 19, 2002**

**Reply Comment Date: April 26, 2002**

On March 4, 2002, the State of Florida (Florida) submitted two requests for waiver of Table 1 of Section 90.617(a) of the Commission's Rules,<sup>1</sup> to enable Florida to become licensed on eight "offset"<sup>2</sup> frequencies within the contiguous 800 MHz Public Safety Category channels.<sup>3</sup> Florida seeks to utilize the frequencies on non-standard channel centers, each 12.5 kHz separated from and between the standard channels listed in Table 1 that are available to eligible applicants in the Public Safety Category.

By way of background, Florida proposes to use the requested frequencies within its 800 MHz trunked statewide law enforcement radio system at two sites located in southwest Florida and in mobile radio equipment only in communication with the proposed sites.<sup>4</sup> Florida states that its statewide 800 MHz radio system utilizes channels that have been licensed on a wide-area basis for use at multiple sites.<sup>5</sup> These include 30 channels within the Public Safety National Plan,<sup>6</sup> 20 channels in the General Category,<sup>7</sup>

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<sup>1</sup> 47 C.F.R. §§ 90.617(a) Table 1 (listing seventy 800 MHz Public Safety Category channels).

<sup>2</sup> "Off-set" channels refer to licensees operating on channels centered between regularly assignable channels. See State of Florida, *Memorandum Opinion and Order*, 16 FCC Rcd 2174 n.1 (WTB 2001) (*State of Florida*) (citing County of San Bernadino, *Memorandum Opinion and Order*, 4 FCC Rcd 3830, 3831 n.3 (1989)). The regularly assignable channels are spaced 25 kHz apart for the 800 MHz Public Safety Category channels, which results in the off-set channels being spaced 12.5 kHz away from the regularly assignable channel.

<sup>3</sup> Florida proposes to operate offset frequencies 811.4500 MHz, 812.4750 MHz, 812.9750 MHz, 813.4750 MHz, 856.4500 MHz, 857.4750, 857.9750 MHz, and 858.4750 MHz at Fort Meade, Florida. See FCC File No. 0000696953 at Waiver Request (filed Dec. 17, 2001). Florida also proposes to operate offset frequencies 811.9500 MHz, 812.9500 MHz, 813.9500 MHz, 814.9500 MHz, 856.9500 MHz, 857.9500, 858.9500 MHz, and 859.9500 MHz at Englewood, Florida. See FCC File No. 0000696964 at Waiver Request (filed Dec. 17, 2001). For reference purposes we refer to the two requests herein as "Waiver Requests," unless otherwise noted.

<sup>4</sup> Waiver Requests at 2.

<sup>5</sup> *Id.*

<sup>6</sup> Florida states that these channels are defined in the Florida Region 9 Public Safety Radio Plan, as amended, and approved by the Commission. *Id.* at n.1.

and 19 “offset” channels in the General Category.<sup>8</sup> Florida states that it has attempted to satisfy the channel needs of all sites in the statewide system from these licensed wide-area spectrum resources.<sup>9</sup> In the case of the two proposed sites, however, Florida states that it has been unsuccessful and that the channel demands of southwest Florida produces a systematic channel shortage that it has been unable to overcome.<sup>10</sup>

Florida argues that a waiver of Section 90.617(a) Table 1 would be in the public interest and consistent with Commission policy. Florida notes that the Commission has previously granted waivers of Table 1 to several Florida public safety agencies to permit licensing of 12.5 kHz offset frequencies.<sup>11</sup> Florida also contends that grant of the waiver would offer the most appropriate solution to the channel needs of the two proposed sites. In this connection, Florida submits that all of the Table 1 channels in the area near the proposed sites are licensed to public safety agencies, the requested offset frequencies would not cause interference to incumbents, and grant of the waiver would improve spectrum efficiency in an otherwise congested area. Florida also notes that that Region-9 maintains an allocation of Public Safety National Plan spectrum for non-statewide public safety use.<sup>12</sup> Florida contends that each of the proposed offset frequencies is bounded on both sides by channels in the same Public Safety Category, thus no other service will be affected. Florida also seeks to operate the eight offset frequencies on a primary basis.

Interested parties may file comments on Florida's Waiver Requests on or before April 19, 2002. Parties interested in submitting reply comments must do so on or before April 26, 2002. All comments should reference Florida's Waiver Requests, including the DA number of this Public Notice, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., TW-325, Washington, D.C. 20554. A copy of each filing should be sent to (1) Qualex International, Inc., Portals II, 445 12<sup>th</sup> Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 863-2893; and (2) John Evanoff, Esq., Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, Policy and Rules Branch, 445 12th Street, S.W., 4-B411, Washington, D.C. 20554; and (3) Maria Ringold, Federal Communications Commission, Consumer and Governmental Affairs Bureau, Reference Information Center, 445 12<sup>th</sup> Street, S.W. Room CY-B529,

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<sup>7</sup> *Id.* at n.2.

<sup>8</sup> *Id.* at n.3 (citing *State of Florida*, 16 FCC Rcd 2174, which granted Florida a waiver to operate on 19 offset General Category frequencies). On February 12, 2002, Florida submitted a Request for an Expedited Waiver (Request) of the Commission's Rules to enable Florida to consolidate site-by-site licenses for General Category frequencies in its 800 MHz statewide public safety radio system into a statewide geographic license. On March 5, 2002, we sought comment on Florida's Request. See Wireless Telecommunications Bureau Seeks Comment on Request for Waiver by the State of Florida to Allow for Geographic Licensing, *Public Notice*, DA 02-512 (WTB, PS&PWD, Mar. 5, 2002). Although the request remains pending, the comment and reply comment due dates expired on March 19, 2002 and March 26, 2002 respectively.

<sup>9</sup> Waiver Requests at 2.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 3.

<sup>12</sup> With regard to the Fort Meade site, Florida notes that only one channel, channel 651, is available that appears to meet the interference criteria of the Florida Region 9 Public Safety Plan but that the Florida Region 9 Committee has not approved use of channel 651 by Florida. See FCC File No. 0000696953 at Waiver Request at 3 n.5.

Washington, D.C. 20554.<sup>13</sup>

The full text of the Waiver Requests, comments and reply comments will be available for inspection and duplications during regular business hours in the Reference Information Center (RIC) of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, S.W., CY-A257, Washington, D.C. 20554. Copies may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12<sup>th</sup> Street, S.W. Room CY-B402, Washington, D.C. 20554, (202)-863-2893, facsimile (202) 863-2898, or via-e-mail [qualexint@aol.com](mailto:qualexint@aol.com). For further information regarding the public reference file for this Request, contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1355.

Unless otherwise provided, requests for waiver of the Commission's Rules are subject to treatment by the Commission as restricted proceedings for *ex parte* purposes under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Because of the policy implications and potential impact of this proceeding on persons not parties to the waiver request, we believe it would be in the public interest to treat this case as a permit-but-disclose proceeding under *the ex parte* rules, *See* 47 C.F.R. §§ 1.1200(a), 1.1206. Therefore, subsequent to the release of this Public Notice, *ex parte* presentations that are made with respect to the issues involved in the subject Waiver Request will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b).

For further information, contact John Evanoff, Esq., of the Policy and Rules Branch of the Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau at (202) 418-0848, TTY (202) 418-7233, or via e-mail to [jevanoff@fcc.gov](mailto:jevanoff@fcc.gov).

By the Acting Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau

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<sup>13</sup> The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at our new location at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. *See* FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (rel. Dec. 14, 2001).